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Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

Situation of human rights in Nigeria

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Vienna Declaration and Programme of Action[3] and other human rights instruments,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Recalling that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

Recalling its resolution 50/199 of 22 December 1995 and Commission on Human Rights resolution 1996/79 of 23 April 1996 on the situation of human rights in Nigeria, including the absence of representative Government in Nigeria contrary to the popular support for democratic government as evidenced in the 1995 elections,

Also recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and to subordinate the military to civilian authority,

Welcoming the report of the mission sent to Nigeria by the Secretary-General pursuant to General Assembly resolution 50/199, and noting the interim response of the Government of Nigeria to that mission,

Welcoming also the resumption of dialogue between Nigeria and the Commonwealth,

Noting the action undertaken to date to move towards a system of multi-party democracy, including the registration of five political parties and the intention to hold elections, on a party basis, to the local councils in December 1996, as well as the release of a number of detainees and the repeal or amendment of measures which were seen as obstacles to human rights,

Regretting, however, that a number of political associations have been instructed to disband, on the grounds that they did not meet requirements stipulated in the transition process,

Taking note with appreciation of the interim report of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[5]

Noting with deep concern reports of grave violations of human rights, including extrajudicial, summary or arbitrary executions and arbitrary detention, and failure to respect due process of law, as described in, inter alia, reports submitted by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as in the concluding observations of the Human Rights Committee,

Stressing the importance of the mandate of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial,

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[4] Resolution 2106 A (XX), annex.

[5] A/51/538, annex.

summary or arbitrary executions to undertake a joint investigative mission to Nigeria, as requested by the Commission on Human Rights in its resolution 1996/79,

Concerned that, despite a number of legislative and procedural measures taken to reform the system of administration of justice, persons in detention in Nigeria continue to face a flawed judicial process, and recalling in this regard the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, including by releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with the international human rights instruments to which Nigeria is a party;

3. Further calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other human rights instruments, including the African Charter of Human and Peoples' Rights and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[6]

4. Also calls upon the Government of Nigeria to implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

5. Regrets that the Government of Nigeria has not enabled the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly, and urges the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights, and with the relevant mechanisms of the Commission on Human Rights;

6. Notes the declared commitment of the Government of Nigeria to civilian rule and urges it to take further concrete steps to restore democratic government;

7. Welcomes the intention of the Secretary-General to pursue his good offices and requests the Secretary-General in the discharge of his good offices mandate and in cooperation with the Commonwealth to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the

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[6] CCPR/C/79/Add.65.

restoration of democratic rule and the full enjoyment of human rights in Nigeria;

8. Decides to consider this question at its fifty-second session under the item entitled "Human rights questions".